

REMARKS

After entry of the present Amendment, claims 1-19 remain in the application. Claims 1 and 8 have been amended. Claims 17-19 have been added. As addressed additionally below, no new matter has been introduced via the amendments to claims 1 and 8 or new claims 17-19.

35 U.S.C. § 112, First Paragraph, Rejection:

Claims 1-16 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Examiner holds that the Applicants have failed to define the term “essentially compact” as it pertains to the invention as claimed and raises an issue relative to the hollow microspheres. More specifically, the Examiner concludes that, in the absence of a definitive definition within the specification or other evidence, there is nothing on the record to support applicants’ position that the term essentially compact should be so narrowly defined.

Through clear amendment to claims 1 and 8, the Applicants have made it apparent that the reaction product resulting from the reaction of components a) and b) provides a polymer matrix and it is this polymer matrix that is essentially compact. In other words, the polymer matrix itself does not contain cells (or a cellular structure). Support for these amendments can be found throughout the original specification, at least at page 1, line 1, at page 8, lines 6-7, at page 1, lines 7-10 where isocyanate adducts are very clearly defined in the context of the present invention as “*polymers prepared by reaction of polyisocyanates*” (emphasis added),

and at page 2, lines 26-27 (polymer matrix). Thus, as alluded to above, no new matter has been introduced.

As a result of these amendments to claims 1 and 8, the Applicant respectfully asserts that scope of the definition for the term essentially compact is no longer at issue. Instead, what must be done is that the term essentially compact has to be applied strictly to the polymer matrix itself and not merely in a general context where there is apparent confusion relative to cells (or cellular structure) that may exist due to hollow fillers.

In view of the amendments described immediately above, it is respectfully submitted that the § 112 rejection, first paragraph, rejection is overcome.

35 U.S.C. § 112, Second Paragraph, Rejection:

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Relative to the Examiner's first point (essentially compact), the Applicants respectfully suggest that the explanation already provided above in the context of the § 112, first paragraph, rejection satisfies the Examiner's first point.

Relative to the Examiner's second point (claims 8 and 11-13), the Applicants have, in an effort to lend clarity to the situation, amended claim 8 to make it clear that the functionality of bi) is greater than 3, rather than merely greater than the prior value of 2.5. In so doing, it is clear that the components for b) are mutually exclusive. Specifically, bi) now requires a functionality of greater than 3 and bii) requires a functionality of from 1.7 to 3, so

the two cannot be the same component. Relative to claim 11 and biii), this component is also mutually exclusive from both bi) and bii). While biii) requires a functionality of less than 2.5 which would appear to conflict with bii), this is not the case. Component biii) also requires a molar mass of less than 1000 g/mol and bii) requires a molar mass greater than 1000 g/mol.

It is respectfully submitted that the § 112 rejection, second paragraph, rejections are overcome.

35 U.S.C. § 102 Rejection:

Claims 8-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bartz et al. (United States Patent Application Publication No. 2001/00512621).

The Applicant respectfully traverses. The MPEP clearly requires that, for proper anticipation of a claim, a single prior art reference must teach each and every element of the claim.

As indicated above, claim 8 has been amended to recite that the functionality of bi) is greater than 3. This is the original, preferred value for the functionality of bi), support for which can be found at page 3, line 38.

Claim 8, as amended, claims a process where the compounds having reactive hydrogen atoms specifically comprise at least one polyetherol bi) having a functionality greater than 3 and a molar mass 300 g/mol or greater, and at least one polyetherol bii) having a molar mass greater than 1000 g/mol and a functionality of from 1.7 to 3.

In contrast to the Examiner's prior assertions made in Paragraph 5 of the current Office Action, the Applicants' "various polyols" no longer overlap and, therefore, cannot be

met by a single polyol or even by the general combination of polyols taught in Bartz et al. Simply stated, Bartz et al. does not disclose, teach, or otherwise suggest a mixture of polyether polyols.

Furthermore, as set forth in the Applicants' prior response, Bartz et al. does not disclose, teach, or suggest these claimed compounds with the specificity required for a proper rejection under 35 U.S.C. § 102(b). Paragraphs [0006], [0029], and claim 1 of Bartz et al. indicate a *possibility* for polyether polyalcohols having a functionality of from 1.5 to 5 and a molecular weight of from 150 to 7000. However, when this reference is taken as a whole, it is clear that there is no specific teaching for the precise combination of polyether polyols b*i*) and b*ii*) as the Applicants have claimed here. Once again, this fact is especially apparent when it is considered that element b13) of Bartz et al. is optional (from 0 to 30%), and also when reviewing Examples 1 and 2 which exemplify the disclosure of Bartz et al. Referring to Examples 1 and 2 of Bartz et al., there are no polyether polyols disclosed whatsoever. That is, in Examples 1 and 2, the compact veneer of Bartz et al. is made strictly with Lupraphen® VP 9143 which is a polyester polyol not a polyether polyol.

For the reasons above, the § 102(b) rejection relying on Bartz et al. should be withdrawn as overcome.

It is respectfully submitted that the claims as amended are in allowable form and that new claims 17-19 depend, either directly or indirectly, from the novel and non-obvious claim features of independent claims 1 and 8 such that these claims are also in allowable form. As such, the application is now presented in condition for allowance, which allowance is

respectfully solicited. The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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Date

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